

### **REMARKS**

This amendment is responsive to the non-final Office Action mailed on January 12, 2005. Claim 36 is pending and has been amended. Claims 37-44 are new. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

#### **Objections to the Specification**

The specification stands objected to because of various informalities. Applicant has amended the specification to address the informalities noted by the Examiner. Applicant therefore requests that the objection to the specification be withdrawn.

#### **Rejection of Claims Under Obviousness-Type Double Patenting**

Claim 36 stands rejected under obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,622,534 (Miller et al.) in view of U.S. Patent No. 3,719,248 (Breitschwerdt et al.). The Examiner contends that *Breitschwerdt et al.* discloses a lock system having an inertia member used with an operating lever, which is absent from the lock system disclosed in claims 1-24 of *Miller et al.* The Examiner asserts that it would have been obvious to modify *Miller et al.* to include the inertia member of *Breitschwerdt et al.* to prevent unwanted escape lever actuation upon impact to the door, as allegedly taught by *Breitschwerdt et al.* Applicant respectfully disagrees for the reasons set forth below.

Applicant submits that a person of ordinary skill in the art would not be motivated to configure escape lever of the lock system in *Miller et al.* with an inertia member (10) as disclosed in *Breitschwerdt et al.* The escape lever claimed in *Miller et al.* is used to unlatch a locked or unlocked door latch from the interior of a locked space. *Breitschwerdt et al.* discloses a pull handle (7) accessible from the exterior of the automobile for unlatching a door latch and an inertia member (10) that counteracts inertial forces (18) acting on the pull handle (7) if the door is impacted by an external force (16). *Breitschwerdt et al.* does not disclose or suggest counteracting inertial forces applied to an interior door handle that is accessible from the interior of a locked space. In fact, *Breitschwerdt et al.* does not disclose an interior door handle used to unlatch a door latch, much less that inertial forces acting on an interior door handle are counteracted by the inertia member (10). Consequently, a person of ordinary skill would not modify the escape lever claimed in *Miller et al.* to include the inertia member (10) disclosed in *Breitschwerdt et al.* A person of ordinary skill in the art would appreciate that the escape lever in *Miller et al.* is not accessible from the exterior of the locked space.

*Miller et al.* does disclose that a door handle used to unlatch the door latch from the exterior of the locked space in a manner similar to the pull handle (7) in *Breitschwerdt et al.* However, the exterior door handle in *Miller et al.* is not physically movable relative to the door when the door is impacted by an external force in a manner that would create inertial forces. Consequently, the exterior door handle in *Miller et al.* would not experience inertial forces that would require a counteracting by an inertia member.

Based upon the preceding remarks, Applicant submits that the Examiner has failed to support *prima facie* obviousness. For this reason alone, Applicant requests that the Examiner withdraw the obviousness-type double patenting rejection of claim 36.

Assuming, *arguendo*, that one combined *Breitschwerdt et al.* and the claims of *Miller et al.*, the resulting lock system would not include all the elements of the lock system of independent claim 36, as amended by the Applicant. Specifically, the inertia member in the combined disclosure encompassing the claims of *Miller et al.* and *Breitschwerdt et al.* cannot “move into a position which prevents movement of the arm and thereby prevents inertial operation of the escape lever in the first direction and in the second direction upon impact of the lock system by an outside force” as recited in claim 36. As evident in Fig. 1 of *Breitschwerdt et al.*, the inertia member (11) has a recess (13) that engages a nose portion (14) on a handle stem (7b). The recess (13) is oriented such that an inertial force (18) applied to the handle (7) is counteracted. However, because of the orientation of the recess (13) and the ability of the handle (7) to only move in one direction in response to the inertial force (18), the inertia member (11) can only prevent inertial operation of handle (7) in a single direction. For these additional reasons, the Examiner has failed to support *prima facie* obviousness. Hence, Applicant requests that the Examiner withdraw the obviousness-type double patenting rejection of claim 36.

#### **Rejection of Claims Under 35 U.S.C. § 103**

Claim 36 stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 1,756,667 (Soemer) in view of *Breitschwerdt et al.* The Examiner contends that *Breitschwerdt et al.* discloses a lock system having an inertia member used with an operating lever, which is absent from the lock system disclosed in *Soemer*. The Examiner asserts that it would have been obvious to modify *Soemer* to include the inertia member of *Breitschwerdt et al.* to prevent unwanted escape lever actuation upon impact to the door, as allegedly taught by *Breitschwerdt et al.* Applicant respectfully disagrees for the reasons set forth below.

The Examiner has failed to provide a proper suggestion or motivation for modifying the lock system of *Soemer* to incorporate an inertia member as disclosed in *Breitschwerdt et al.* The inertia member (10) in *Breitschwerdt et al.* is used in an automobile door lock to prevent inadvertent actuation of a door latch arising from inertial forces due to lateral impact movements, such as inertial forces developed during an accident, that would cause inertial movement of a pull handle (7) used under normal circumstances to unlatch the door lock. The inertia member (10) counteracts or balances inertial forces experienced by the pull handle (7) during such impact movements.

The door lock in *Soemer* includes a knob (34) used to unlatch a door latch from the exterior of the locked space under normal circumstances and an escape lever (44, 48) that is used under panic conditions to release the door latch from the interior of the locked space. If the lock system in *Soemer* were impacted with an external force, the escape lever (44, 48) would experience inertial forces. However, the external force would not cause inertial movement of knob (34) because knob (34) is not capable of moving relative to the door.

A person of ordinary skill in the art would not be motivated to modify the escape lever (44, 48) of *Soemer* to include the inertia member (10) shown in *Breitschwerdt et al.* The escape lever (44, 48) of *Soemer* is used to open the latch from interior of a locked space. *Breitschwerdt et al.* does not disclose or suggest an inertia member (10) counteracting inertial forces applied to a door handle accessible from the interior of the locked space and used to unlatch the door latch to permit escape from the locked space. Instead, *Breitschwerdt et al.* discloses counteracting inertial forces applied to a pull handle (7) accessible from the exterior of a vehicle to unlatch a door latch and gain access to a locked space.

Knob (34) of the lock system in *Soemer* represents the handle accessible from the exterior of the locked space to unlatch the door latch. Knob (34) is identical in function to the pull handle (7) in *Breitschwerdt et al.* Knob (34), which does not move relative to the door, would not experience inertial forces that would require counteracting with an inertia member. A person of ordinary skill in the art would not be motivated to modify the knob (34) in *Soemer* to include the inertia member (10) in *Breitschwerdt et al.*

Consequently and based upon the preceding remarks, the Examiner has failed to support *prima facie* obviousness. For this reason alone, Applicant requests that the Examiner withdraw the rejection of claim 36.

Assuming, *arguendo*, that one combined *Breitschwerdt et al.* and *Soemer*, the resulting lock system would not include all the elements of the lock system of independent claim 36, as amended by the Applicant. Specifically, the escape lever in the combined disclosure of *Breitschwerdt et al.* and *Soemer* is not “operable with at least one of a pushing motion in a first direction or a pulling motion in a second direction to retract the dead bolt.” The escape lever (48) in *Soemer* is moveable only in a pushing direction for releasing the latch. Specifically and as described at column 2, lines 88-93 of *Soemer*, “outward pressure against” the escape lever (48) releases the latch. Moreover, the inertia member in the combined disclosure of *Breitschwerdt et al.* and *Soemer* cannot “move into a position which prevents movement of the arm and thereby prevents inertial operation of the escape lever in the first direction and in the second direction upon impact of the lock system by an outside force” as recited in claim 36. As evident in Fig. 1 of *Breitschwerdt et al.*, the inertia member (11) has a recess (13) that engages a nose portion (14) on a handle stem (7b). The recess (13) is oriented such that an inertial force (18) applied to the handle (7) is counteracted. However, because of the orientation of the recess

(13) and the ability of the handle (7) to only move in one direction in response to the inertial force (18), the inertia member (11) can only prevent inertial operation of handle (7) in a single direction. For these additional reasons, the Examiner has failed to support *prima facie* obviousness. Hence, Applicant requests that the Examiner withdraw the obviousness-type double patenting rejection of claim 36.

### **New Claims**

Claims 37-44 are submitted as new claims. As these claims depend directly or indirectly from a patentable independent claim 36, Applicant submits that these claims are also patentable. Furthermore, claims 37-44 each recite a unique combination of elements not taught, disclosed or suggested by the references of record.

### **Conclusion**

Applicant has made a bona fide effort to respond to all requirements set forth in the Office Action. In view of the foregoing amendments and remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicant does not believe fees are dues in connection with filing this communication other than the three-month time extension fee. If, however, additional fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge

any under-payment or fees associated with this communication or credit any over-payment to

Deposit Account No. 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

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